



CITY OF MEMPHIS

COUNCIL AGENDA

November 3, 2009

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (October 20, 2009)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION approving an honorary street name change of Beale Street for Bernard J. Lansky.
Hedgepeth

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION approving an honorary street name change for Mary Grimes Hutchison on Ridgeway between Park and Quince.
Boyd

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

3. RESOLUTION approving a subdivision appeal located on the southwest corner of Shady Grove Road and Roane Road (4968 Roane Road).
Morrison

Case No. S 46-001

Applicant: Raia Khan and Fariha Bano

Appellant: Herbert S. Phillips, III

Request: Overturn the decision of the Land Use Control Board on 09/10/09 which approved reducing the required minimum front yard building setback of 75 feet for Shady Grove Road by 7 feet 6 inches and reducing the required minimum front yard building setback of 65 feet by 10 feet, 8 inches along Roane Road for the construction of a new home on Lot 105

LUCB recommendation: Approved the requested setback reductions

OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

52 NOTICES WERE MAILED ON OCTOBER 23, 2009

4. RESOLUTION approving a planned development located on the southeast corner of Linden Avenue and Fourth Street, extending eastward to Turley Street, containing 2.80 acres in the Sports and Entertainment (SE) District.

Morrison

Case No. PD 09-319

Applicant: Royal Phoenix Development (Marlon Phoenix)
ETI Corporation (Ralph Smith) – Representative

Request: 11 story hotel with future ground floor retail uses

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

48 NOTICES WERE MAILED ON OCTOBER 23, 2009

5. RESOLUTION approving a street/alley closure beginning at a point approximately 1,500 feet west of Bledsoe Road and extending west 709.75 feet, containing .97 acre. (Held from 10/20)

Morrison

Case No. SAC 09-605

Applicant: Mark H. and Melinda M. George
ETI Corporation – Rodney Joyner – Representative

Request: Close a remnant portion of existing right-of-way left abandoned as a result of the construction of a new Holmes Road overpass over the Burlington Northern Railroad

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

46 NOTICES WERE MAILED ON OCTOBER 9, 2009

DIVISION OF PLANNING & DEVELOPMENT

6. RESOLUTION accepting grant funds in the amount of \$40,000.00 from the Tennessee Historical Commission for the Memphis Historic Properties Survey as required by the Certified Local Government Agreement. Resolution also amends the FY 2010 Operating Budget to establish and appropriate grant funds and matching funds in the amount of \$26,666.00.

Morrison

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION approving a Hotel/Motel Waiver for Super 8 Motel, located at 6015 Macon Cove.

Morrison

Case No. HMW 09-03

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE – THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING (None)

ZONING ORDINANCES - FIRST READING

8. **ORDINANCE** rezoning the south side of Frayser Boulevard, 150 feet west of Thomas Street, containing 3.49 acres in the Multiple Dwelling Residential (R-MM) District, up for F I R S T reading.

Morrison

Case No. Z 09-104
Ordinance No. 5336

Applicant: Christ Community Health Services, Inc.
Ralph Smith, ETI Corp. – Representative

Request: General Office (O-G) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

9. **ORDINANCE** rezoning the northeast corner of Lamar Avenue and Tuggle Road, containing 18.77 acres in the Highway Commercial (C-H) District, up for F I R S T reading.

Morrison

Case No. Z 09-106
Ordinance No. 5337

Applicant: Harbin Enterprises GP
Philip Jones – Representative

Request: Rezoning from Highway Commercial (C-H) District to Light Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING

10. **ORDINANCE** rezoning the southwest corner of Walnut Street and Tate Avenue, containing 1.29 acres (Development site) and 0.65 acre (Zoning Amendment) in the Highway Commercial (C-H) District, up for S E C O N D reading.

Morrison

Case No. Z 09-103
Ordinance No. 5335

Applicant: Urban Construct, LLC
Tiena Gwin – Representative

Request: Multiple Dwelling Residential (R-MM) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

11. **RESOLUTION** accepting POLO GROUNDS NORTH P.D., PHASE 1 (PD 99-344) and WINCHESTER/HACKSCROSS P.D., PHASE 33 (PD 06-342cc) and authorizing release of bond.

(Contract No. CR-5092)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Centennial Drive, north of Winchester Road. The standard improvement contract was approved on September 18, 2007. Resolution also authorizes the release of the letter of credit in the amount of \$808,400.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

12. **RESOLUTION** approving final plat of LAMAR-DAVIDSON ROAD P.D., AMENDED, PHASE 1.

Case No. PD 09-306

Resolution approves the final plat located on the west side of Lamar Avenue, 514.73 feet south of the centerline of Davidson.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

13. **RESOLUTION** approving final plat of MORTON SUBDIVISION.

Case No. S 09-011cc

Resolution approves the final plat located between St. Elmo and Old Brownsville. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

14. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. **Case No. SUP 09-214**

Located on the west side of Third Street, ±506 feet north of Walker Avenue, containing 0.62 acre in the Local Commercial (C-L) District

Applicant: Pyramid Used Cars, Inc.
Cindy Reaves, SR Consulting, LLC – Representative

Request: Motor Vehicle Sales

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: November 17, 2009



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MLGW FISCAL CONSENT

15. RESOLUTION awarding Contract No. 11330, Overhead and Underground Transformer Change Out, to Standard Electric Company, Inc. in the funded amount of \$2,146,412.00.
16. RESOLUTION approving Change No. 9 to Contract No. 10705, Oracle Software License and Service Agreement, with Oracle, Inc. in the funded amount of \$672,715.39. (This covers the purchase of additional required licenses and the first year of support from Oracle to use the audit vault and data masking features of existing Oracle environments).
17. RESOLUTION approving Change No. 4 to Contract No. 11009, MLGW Utility Payment Centers, with Fiserv in the funded amount of \$240,000.00. (This renews the contract for the fourth and final renewal term, October 3, 2009 to October 2, 2010, with no increase in rates).
18. RESOLUTION awarding contract for global navigation satellite system to ICM, Inc. in the amount of \$33,075.00.
19. RESOLUTION awarding contract for energy conservation kits to AM Conservation Group, Inc. in the amount of \$41,020.00.
20. RESOLUTION awarding contract for radio dispatch consoles to Motorola c/o Integrated Communications in the amount of \$63,355.50.
21. RESOLUTION awarding contract for tapping machine and accessories to T. D. Williamson, Inc. in the amount of \$129,658.50.
22. RESOLUTION awarding contract for substation capacitor banks to Utilicor in the amount of \$510,504.00.
23. RESOLUTION awarding a three-year contract in the amount of \$5,141,569.00 and a one-year contract in the amount of \$227,700.00 for URD fittings to H D Supply, for a total amount of \$5,369,269.00.



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REGULAR AGENDA

24. FILING of election results from the Shelby County Election Commission.

Filing of certification by the Shelby County Election Commission of the results of the October 15, 2009 Memphis Municipal Special Election.

ACTION REQUESTED: Spread on Minutes

25. Oath of Office – Inauguration certifying elected Mayor.
(on file in Council Records)

Collins

26. **APPOINTMENTS**

Flinn

Civil Service Commission

Reappointment

Chloee K. Poag

Memphis Community Development Enterprise, Inc.

Reappointment

Terry Spicer

Memphis & Shelby County Air Pollution Board

Reappointment

Karl Pensak

Memphis & Shelby County Port Commission

Appointment

Billy Orgel

Pension Board of Administration

Reappointment

Dwan L. Gilliom

Appointment

Lisa Geater

GENERAL ORDINANCES -THIRD AND FINAL READING

27. **ORDINANCE** fixing Tax Rate of the City of Memphis for the Board of Education of the Memphis City Schools, up for T H I R D and F I N A L reading. (Held from 7/7; 7/21; 8/4; 8/18; 9/1; 9/15; 10/6)

Lowery

Ordinance No. 5319

ACTION REQUESTED: Take whatever action Council deems advisable

28. **ORDINANCE** to amend Chapter 28, Article VI, Division 3, of the Code of Ordinances, so as to reduce the number of allowable False Alarms, include civil damages and add notification process of alarm users operating without a permit, up for T H I R D and F I N A L reading. (Held from 10/20)

Hedgepeth

Ordinance No. 5328

ACTION REQUESTED: Take whatever action Council deems advisable

29. **ORDINANCE** to revise Chapter 15, Section 15-11(d), of the City of Memphis Code of Ordinances, pertaining to the dimensions of Limbs and Logs collected by the City of Memphis, up for T H I R D and F I N A L reading. (Held from 10/20)

Boyd

Ordinance No. 5329

Director of Public Works recommends approval

ACTION REQUESTED: Take whatever action Council deems advisable

30. **ORDINANCE** to amend Section 18-19, of Chapter 18, Article II, of the existing City Code of Ordinances to reflect current state law, specifically Tennessee Code Annotated Section 10-3-103, to set forth the terms that govern the appointment of members of the Memphis Library Board of Trustees, up for T H I R D and F I N A L reading.

Brown

Ordinance No. 5333

ACTION REQUESTED: Take whatever action Council deems advisable

31. **ORDINANCE** to amend Chapter 15, Code of Ordinances, to include regulations for the Proper Disposal of Tires and the Registration of Certain Tire Businesses and Tire Haulers, within the City of Memphis, up for T H I R D and F I N A L reading.

Brown

Ordinance No. 5334

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

32. RESOLUTION appropriating \$226,000.00 funded by G.O. Bonds General, Project Number FS02014 for Fire Station Number 57.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION appropriating \$226,000.00 funded by G.O. Bonds General, Project Number FS02010 for Fire Station Number 22.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

34. RESOLUTION appropriating \$6,500,000.00 funded by G.O. Bonds-General in the Uptown Redevelopment Project Phase 2, Project Number CD01079, to complete all phases of construction, infrastructure, site preparation and related work for the Uptown Redevelopment Area. The \$6,500,000.00 expenditure is a loan to the Uptown Project and the funds will be repaid.

Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION

35. RESOLUTION approving actuarial funding to the Retirement and Pension System in the amount of \$22,400,925.00 for the 2009 Plan Year.

Ware

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION approving the 2009 funding requirement to the OPEB Trust in an amount not to exceed \$18,567,577.71.

Ware

ACTION REQUESTED: Adopt the resolution

PARK SERVICES (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES

37. RESOLUTION appropriating \$50,000.00 in FY10 for a Waste Tire Redemption Program. (Held from 10/20)

Brown

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION appropriating \$819,978.00 for Vehicle Emission Testing Equipment for the Motor Vehicle Inspection Stations, CIP Project Number PS01009, as part of the FY09 Capital Improvement Program funded by G.O. Bonds and Local Other CIP.

Brown

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION approving an extension to the Option Agreement with Metal Management Memphis, LLC for possible lease of certain property in the Pidgeon Industrial Park, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on July 22, 2009.

Collins

Contract No. 5149

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

40. RESOLUTION appropriating CIP funding in the amount of \$3,200,000.00 for the demolition phase of Fairgrounds Project and reallocating and appropriating the balance of CIP funding for the Pyramid Acquisition.

Ford

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION allocating \$199,250.00 from the Riverfront Development Corporation, Mud Island land sale, to fund Human Service Grants cut from the FY 2010 Operating Budget.

Halbert

ACTION REQUESTED: Adopt the resolution

42. Fourth Supplemental resolution supplementing the Electric System Subordinate Revenue Obligation Master resolution authorizing the issuance and sale of not to exceed Six Hundred Million Dollars (\$600,000,000.00), principal amount of Electric Systems Revenue Refunding Bonds, Series 2009; establishing the terms thereof and the disposition of proceeds therefrom; approving the sale thereof by negotiation; authorizing the preparation and execution of a Bond Purchase Agreement; authorizing the preparation, execution and distribution of a preliminary official statement and a final official statement; authorizing the preparation and execution of Escrow Agreement; appointing a Bond Registrar, Paying Agent and Escrow Agent; and authorizing officers of the City to take all necessary steps to accomplish the sale of the bonds.

Ware

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION to approve increasing the authorized complement and full-time employee funding for the Motor Vehicle Inspection Bureau to include two additional Motor Vehicle Examiner positions and to increase the inspection fee to \$15.00 per vehicle, as part of the FY10 Operating Budget funded by projected revenue from re-establishing the Mobile Inspection Program.

Brown

ACTION REQUESTED: Adopt the resolution

44. **ORDINANCE** to amend Chapter 21, Code of Ordinances, City of Memphis, to amend certain sections of Ordinance No. 5217, Article III of the Code of Ordinances regulating Junk and Scrap Metal Dealers, up for F I R S T reading. (Held from 10/6)

Hedgepeth

Ordinance No. 5332

ACTION REQUESTED: Adopt the ordinance on First reading

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 2 – Approved
3. Withdrawn
4. Through 13 – Approved
14. Public Hearing Set for November 17, 2009
15. Through 26 – Approved
27. Held until November 17, 2009
28. Held until the 1st Meeting in February 2010
29. Held until November 17, 2009
30. Approved
31. Approved, as amended
32. Through 44 – Approved

ACTION TAKEN ON THE MINUTES OF OCTOBER 20, 2009 MEETING

Approved, as amended

ACTION TAKEN ON THE MINUTES OF ITEMS #40, #41, #42 & #43 FROM TONIGHT'S MEETING

Approved